IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

SUMMONS FOR JUDGMENT NO. 442 OF 1998

IN

SUMMARY SUIT NO.1782 OF 1997

Vijaya Bank .....**Plffs.**
vs.
Vinay Kanodia .....**Defnds.**

Prakash Shinde i/b. M/s. M. Dhruv and Co. for the plaintiffs.

Mr. Pednekar i/b. Kaitan and Jaykar for the defendants.

CORAM: S.U. KAMDAR, J.

DATE : 29TH AUGUST, 2005.

P.C. :.

1. The present summons for judgment is filed on the basis of amount due and payable under an overdraft facility. It is the case of the plaintiff that there were certain bill of exchange

drawn by the plaintiff which were discounted by the bank. It is an admitted case in para-3 of the letter dated 22.2.97 that the said four out of five bill of exchange were paid. It is further the case that the plaintiff is entitled to recover the balance amount on the basis of costs, charges and over due interest. The said suit is no account. In view thereof the present summons for judgment is dismissed. Unconditional leave to defend is granted.

2. Suit is transferred to the list of Commercial Causes. Written statement or points of defence to be filed four weeks from today. Affidavits, list of documents to be filed within four weeks thereafter. Inspection within four weeks thereafter. Suit to be on board of the learned Judge taking Commercial Causes.

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